

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Anthony E. Martinez,

Petitioner

v.

Brian Williams, SR, et al.,

Respondents

2:16-cv-00303-JAD-GWF

**Order Granting Application to Proceed
in forma pauperis and Setting Briefing
Schedule**

[ECF No. 1]

Anthony E. Martinez has submitted an application to proceed *in forma pauperis* and petition for a writ of habeas corpus under 28 USC § 2254. I find that Martinez is unable to pay the filing fee, so I grant his IFP application and issue this briefing schedule.

IT IS HEREBY ORDERED that **Martinez's application to proceed *in forma pauperis* [ECF No. 1] is GRANTED.** Martinez may proceed without paying the filing fee.

The Clerk of Court is instructed to file the petition [ECF No. 1], add Adam Paul Laxalt, Attorney General for the State of Nevada, as counsel for respondents, and electronically serve respondents with a copy of the petition and this order. The Clerk of Court is also instructed to return to petitioner a copy of the petition.

IT IS FURTHER ORDERED that **respondents must respond to the petition by June 17, 2016.** Respondents must raise all potential affirmative defenses in the initial responsive pleading, including untimeliness, lack of exhaustion, and procedural default. Successive motions to dismiss will not be entertained. If respondents file and serve an answer, they must comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts. Petitioner will have 45 days from service of the answer to file a reply. If respondents file a motion, then the briefing schedule in Local Rule LR 7-2 will apply.

The parties are instructed that exhibits must be filed with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments that are filed must also be identified by the number or numbers (or letter or letters) of the exhibits in the attachment. The hard

1 copy of any additional state court record exhibits must be forwarded to the staff attorneys in Las
2 Vegas.

3 IT IS FURTHER ORDERED that, from this point forward, Martinez must serve respondents
4 with a copy of every pleading, motion, or other document submitted for the court's consideration.
5 Martinez must include with the original paper submitted for filing a certificate stating the date that a
6 true and correct copy of the document was mailed to the respondents or counsel for the respondents.
7 The court may disregard any paper received by a district judge or magistrate judge that has not been
8 filed with the clerk, and any paper received by a district judge, magistrate judge, or the clerk that
9 fails to include a certificate of service

10 Dated this 3rd day of May, 2016.

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13 Jennifer A. Dorsey
14 United States District Judge
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